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(804) 445-2931

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31 OCT 1989

Mr. Bill Kayer
North Carolina Department of Environment, Health
and Natural Resources
Division of Solid Waste Management
P. O. Box 2691
Raleigh, North Carolina 27601-2691

Re: Federal Facility Agreement for Marine Corps Base, Camp Lejeune,
and Marine Corps Air Station, New River

Dear Mr. Kayer:

The Navy/Marine Corps' position with regard to the three outstanding issues pertaining to the Federal Facility Agreement (FFA) for Marine Corps Base, Camp Lejeune and Marine Corps Air Station, New River were discussed during separate telephone conversations between Ms. Sheila Ashton of Joint Command and Ms. Nancy Scott, representing your Department, and Ms. Ashton and Ms. Lee Crosby, of your Superfund Branch, on October 24, 1989. Our positions are as follows:

a. The State's Party to the Agreement must be, at a minimum; the Department of Environment, health and Natural Resources. The State's proposal of the Division of Solid Waste Management as the sole Party to the Agreement eliminates other involved DNR Divisions. We propose using the Department of Environment, Health and Natural Resources as the Party to the Agreement in order to include the Division of Environmental Management and all other Environmental Divisions.

b. The language proposed by the State for the Force Majeure Section is not in accordance with existing DOD model language. Our proposal is to return to the model language provided in earlier drafts and to add the phrase "solely for the purposes of this Agreement," to the beginning of the Section.

c. The language proposed by the State for the Reimbursement of State Expenses Section requires modification. Our proposals are:

(1) The State of North Carolina enters into a separate Department of Defense/State Memorandum of Agreement (DSMOA) (as noted in the published DOD procedures, provided under separate cover) covering all DOD installations within the State including MCN Camp Lejeune and MCAS New River, or

(2) The DSMDA language incorporated into the Reimbursement of State Expenses Section of the Agreement limiting recovery of State expenses to those incurred solely for Camp Lejeune/New River.

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As noted above, copies of the DSHOA language have been provided to both Ms. Scott and Ms. Lee Crosby for consideration. We request that you provide a written response to the above proposals and, should the proposals be unacceptable, please include a detailed statement so that these issues may be forwarded to our headquarters for further consideration.

Our point of contact is Ms. Sheila Ashton, P.E., Code 1822, who may be reached at (804) 445-1814 for further information.

Sincerely,

P. A. RAKOWSKI, P.E.
Head, Environmental Programs Branch
Environmental Quality Division

Copy to:

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NAVFACMNGCCM (Codes 18, 09CB2)
CnC (Codes LFL, CL)
MCB Camp Lejeune (Codes SJA, AC/S)